

# **AGENDA**

## **MALVERN CITY COUNCIL**

Monday, July 12, 2021

First Baptist Church Family Life Center, 6:30 PM

### **I. CALL MEETING TO ORDER**

### **II. INVOCATION**

### **III. ROLL CALL**

### **IV. APPROVE MINUTES OF THE PREVIOUS MEETING**

- A. Regular Meeting ~June 14, 2021
- B. Special Meeting – July 24, 2021

### **V. DEPARTMENT REPORTS**

- A. Finance Report
- B. Street Department Report
- C. Police Report
- D. Fire/CEO Report
- E. Animal Control Report
- F. LifeNet Report
- G. Water Works Report

### **VI. OLD BUSINESS**

### **VII. NEW BUSINESS**

- A. Resolution Appointing Planning Commission/BZA Members
- B. Reappointment of expired Airport Commission Members
- C. Reappointment of expired Civil Service Commission Members
- D. Reappointment of expired Parks Committee Members
- E. Resolution Declaring Party or Non-Partison Candidates for Municipal Office

### **VIII. MAYOR REPORTS**

### **IX. ADJOURNMENT**

**MINUTES OF THE MALVERN CITY COUNCIL**  
**Monday, July 12, 2021**  
**First Baptist Church Family Life Center**  
**6:30 P.M.**

The Malvern City Council met for its regular monthly meeting on Monday, July 12, 2021, at 6:30 p.m. in the First Baptist Church Family Life Center.

Mayor Brenda Weldon called the meeting to order and led the invocation and pledge of allegiance. Answering the roll call were Council members Mary Fraction, William Wilson, Lynn Davis, Wayne Reynolds, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles. Also present was City Clerk/Treasurer Phyllis Dial with City Attorney Cecilia Ashcraft absent.

A motion was made by Council Member Lynn Davis, seconded by Council Member Mary Fraction to approve the minutes of the regular meeting held on June 14, 2021 and the special meeting held on June 24, 2021. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, motion carried, and the minutes of the previous meetings were adopted.

A motion was made by Council Member Wayne Reynolds, seconded by Council Member Mary Fraction, to accept the Departmental Reports as posted. Alderman Cross stated that he had some questions concerning the response times on the LifeNet report and asked if anyone in the City kept up with that. Chief Harper noted that he reviews the reports monthly and explained how the process work and their reporting requirements. Harper stated that they have only been above approved response times a few times and there is always a reason, such as a train blocking the tracks. He noted that the prison hospital does put a strain on the service that no one else in the state deals with. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, and the reports were accepted.

There was no old business to come before the Council.

Under new business, Alderman Wayne Reynolds introduced a resolution reactivating and appointing members to the Malvern Planning Commission/Board of Zoning Adjustment. Clerk/Treasurer Dial read the proposed resolution. A motion was made by Alderman Keenan, seconded by Alderman Stiles to adopt the resolution. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, the motion carried and the resolution was adopted and assigned No. 09-2021. Mayor Weldon announced that there is still a vacancy in Ward 2, and interested persons should contact her office.

**RESOLUTION NO. 09-2021**

**A RESOLUTION MAKING APPOINTMENTS TO THE MALVERN PLANNING  
COMMISSION/BOARD OF ZONING ADJUSTMENT**



**MINUTES OF THE MALVERN CITY COUNCIL**  
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A motion was made by Alderman Keenan, seconded by Council Member Lusinger to reappoint Mike Still (new term expiring 9/30/2024) as the representative from Ward 1, and Pete Paladino (new term expiring 9/30/2025) as the representative from Ward 2, to the Malvern Airport Commission. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, and the motion carried. Mayor Weldon announced that these are five (5) year terms, and that there is a vacancy for the At-Large position.

A motion was made by Alderman Reynolds, seconded by Alderman Stiles to reappoint Phil Bailey (new term expiring 4/1/2025) as the representative from Ward 2, and Linda Smith (new term expiring 4/1/2023) as the representative from Ward 3, to an additional six (6) year term on the Malvern Civil Service Commission. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, and the motion carried. Mayor Weldon announced that there is a vacancy in Ward 1 of the Civil Service Commission, and that interested persons should contact her office.

A motion was made by Council Member Fraction, seconded by Alderman Keenan, to appoint Bobbie Hill (new term expiring 12/1/2023) to an additional three (3) year term as the representative from Ward 1 to the Malvern Parks Committee. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, and the motion carried. There is a vacancy on the committee for Ward 4.

Mayor Weldon told the Council that she has been checking on the date for filing for election for city officials in the upcoming 2022 election. The law was changed a few years ago to move the primary elections to March from May, which moved the filing period to November of the previous year from the standard date in February of the election year. She said that she has been told by the County Clerk's office that some delay in the 2020 Census results and a possible redistricting in some areas may cause the 2020 election to revert to May primary elections for the 2020 election. She stated that she has also checked on the process for municipal officials running nonpartisan, as discussed previously by some members of the Council. She presented two resolutions as options for the Council to consider; one reverts the election process back to a nonpartisan race, as was originally set up for municipal governments, and the other requests the two political parties in the state to allow municipal candidates to participate in the party primaries. The resolution to require municipal candidates to run nonpartisan was introduced by Alderman Reynolds. Clerk/Treasurer Dial read the proposed resolution. A motion was made by Alderman Keenan, seconded by Alderman Reynolds to adopt the resolution.

**MINUTES OF THE MALVERN CITY COUNCIL**  
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Voting for the motion were Council Members Davis, Reynolds, Keenan, Cross, and Stiles with Council Members Fraction, Wilson, and Lusinger voting "no". The motion carried by a majority vote of five "ayes" and three "no's" and the resolution was declared adopted and assigned No. 10-2021.

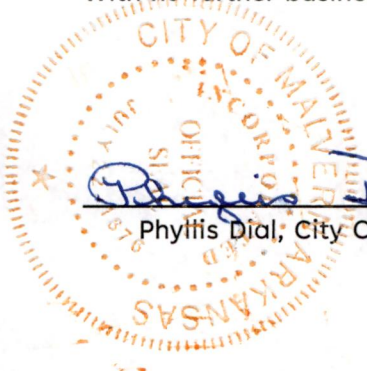
**RESOLUTION NO. 10-2021**

**RESOLUTION STATING THAT CANDIDATES FOR MUNICIPAL OFFICES IN THE CITY  
OF MALVERN, ARKANSAS WILL RUN NONPARTISAN**

Mayor Weldon reported that the street rehabilitation contract has been signed and weather permitting, work should begin in mid-August. She stated that there will be a pre-construction meeting for the walking paths at the city park on Wednesday at the park with AR DOT. Weldon also announced that there will be a preconstruction meeting at the new police facility on July 20, and that bids for the facility will be opened at 2:30 p.m. on July 27. Construction on the new fire station is ongoing.

Mayor Weldon noted that Covid-19 cases are again rising with Friday's count at 175 and today's at 153. She urged people to get vaccinated if they have not, and to wear their masks in public and practice social distancing. Alderman Keenan suggested reverting to virtual meetings if the cases do not drop. Mayor Weldon stated that she will keep that under advisement.

A motion was made by Alderman Cross, seconded by Alderman Stiles, to adjourn. With no further business to come before the Council, the meeting was declared adjourned.



  
Phyllis Dial, City Clerk/Treasurer

  
Brenda J. Weldon, Mayor



119 W 3<sup>rd</sup> St.; Malvern, AR 72104; Office 501-332-3638 option 1; Fax 501-332-7607

July 6, 2021

Vote to reappoint Airport Commission

Ward 1 Mike Still new expiration 9/30/2024

Ward 2 Pete Paladino new expiration 9/30/2025

Need person for At-large position

5 Year terms





119 W 3<sup>rd</sup> St.; Malvern, AR 72104; Office 501-332-3638 option 1; Fax 501-332-7607

July 6, 2021

Vote to reappoint Civil Service Commission

Ward 2 Phil Bailey      new expiration 4/1/2025

Ward 3 Linda Smith      new expiration 4/1/2023

Need a replacement for Ward 1

6 year terms



119 W 3<sup>rd</sup> St.; Malvern, AR 72104; Office 501-332-3638 option 1; Fax 501-332-7607

July 6, 2021

Vote to reappoint Parks Committee

Ward 1 Bobbie Hill      new expiration 12/1/2023

Need replacement for Ward 4

3 Year terms

## Phyllis Dial

**From:** Rick Dial <dial551@swbell.net>  
**Sent:** Wednesday, July 7, 2021 10:43 AM  
**To:** Phyllis Dial  
**Subject:** Elections

### MUNICIPALITIES GENERALLY

14-42-206

k Date of Signing: \_\_\_\_\_

(2)(A) An independent candidate for municipal office may qualify by a petition to be circulated for no longer than ninety (90) days of not fewer than ten (10) electors for incorporated towns and cities of the second class and **not fewer than thirty (30) electors for cities of the first class of the ward or city in which the election is to be held.**

(B)(i) The county clerk shall determine no later than ten (10) days from filing whether the petition contains the names of a sufficient number of qualified electors and certify that no signatures are dated more than ninety (90) days before the filing of the petition.

(ii) The county clerk's determination shall be made no less than seventy-five (75) days before the general election.

(C) The county clerk promptly shall notify the candidate of the result.

(3) Independent candidates for municipal office shall file a political practices pledge and an affidavit of eligibility at the time of filing their petitions.

(4)(A) An independent candidate shall state the position, including the position number, if any, on his or her petition.

(B) When a candidate has identified the position sought on the notice of candidacy, the candidate shall not be allowed to change the position but may withdraw a notice of candidacy and file a new notice of candidacy designating a different position before the deadline for filing.

petition filed under this

Sent from my iPhone